

Plaintiffs are advised that the orders of this court are not contingent on any agreement their attorneys may make with nonparties off the record. Counsel's conduct in this case is of concern because a subpoena, like a summons, is a jurisdiction-getting paper. It subjects the recipient to the jurisdiction of the court. It is not some kind of informal request. The plaintiffs should not have requested permission to conduct immediate discovery by subpoena unless they actually intended to conduct immediate discovery as they represented in their motion.

Once again taking judicial notice of the court's records, it seems likely that these or similar plaintiffs will file future requests to conduct "immediate" discovery by serving a subpoena on UNL. The information contained in the plaintiffs' response to the order to show cause demonstrates to the court that, ultimately, judicial economy will be served by requiring the plaintiffs and UNL to resolve any and all disputes concerning plaintiffs' subpoenas formally pursuant to Fed. R. Civ. P. 45, rather than through a never-ending series of "negotiations."

IT IS ORDERED:

1. If UNL does not satisfactorily comply with plaintiffs' subpoena by **January 28, 2008**¹, plaintiffs are given leave to file a Motion to Compel pursuant to Fed. R. Civ. P. 45(c). Said motion shall be filed and served no later than **February 11, 2008**.
2. Failure to comply with the February 11, 2008 deadline will result in (a) a finding that plaintiffs' subpoena is deemed abandoned and (b) a recommendation that this case be dismissed pursuant to NECivR 41.1 for failure to prosecute, as the plaintiffs will be unable to identify any of the remaining Doe defendants.

DATED January 16, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹Pursuant to Fed. R. Civ. P. 45(c)(2)(B), objections to a subpoena must be served "before the earlier of the time specified for compliance or 14 days after the subpoena is served." The court has adopted the 14 day deadline because plaintiffs' Notice of Service [12] contains no information about the time actually specified for compliance.